



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
FAMILY INDEPENDENCE AGENCY
LANSING



MARIANNE UDOW
DIRECTOR

John Wernet
Deputy Legal Counsel
Office of Governor Jennifer M. Granholm
Fourth Floor
George W. Romney Building
111 S. Capitol Avenue
Lansing, MI 48933

Dear Mr. Wernet:

Enclosed please find the Michigan Family Independence Agency's Tribal Consultation Plan per Executive Directive 2004-5, Tribal-State Relations. If more information is required, please contact G. Paul Cloutier, Director Native American Affairs, at 517-335-7782.

Thank you.

Sincerely,

Marianne Udow

Enclosure

cc: Laura Champagne
Musette Michael
Jocelyn Vanda
Jim Nye
Patrice Eller
Longino Gonzales
Tribal/State Partnership Members
G. Paul Cloutier

MICHIGAN FAMILY INDEPENDENCE AGENCY
Tribal Consultation Plan
Per Executive Directive 2004-5, Tribal-State Relations

“No right is more sacred to a nation, to a people, than the right to freely determine its social, economic, political and cultural future without external interference. The fullest expression of this right occurs when a nation freely governs itself. We call the exercise of this right self-determination. The practice of this right is self-government.”

Joe DeLaCruz, President
Quinault Indian Nation

Federal Law and Policy

In *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831), then Chief Justice John Marshall described the sovereign status of Indian Tribes as “domestic dependent nations”, in which the federal-tribal relationship “resembles that of a ward to his guardian”. As members of Indian tribes, Indian people are citizens of independent sovereign nations as well as citizens of the United States and the state in which the individual resides. Therefore, a unique, irrevocable trust and political status is created that is not applicable to any other racial or ethnic group.

Congressional Mandate on Tribal Consultation

Pursuant to the 1994 amendments to the Social Security Act, States are mandated to consult with Tribes and tribal organizations in developing a statewide plan to insure compliance with the Indian Child Welfare Act of 1978 (25 U.S.C. §1901 et seq.). States are also required to consult with Tribes and tribal organizations regarding all other matters (i.e., plans, services, and programs) related to Indian children and families.

State Response to Federal Law and Policy

Concurrent to federal law and acknowledging the sovereign status of federally recognized Tribes and there government-to-government relationship, the Honorable Jennifer M. Granholm, Governor, State of Michigan, signed Executive Directive 2004-5, Tribal-State Relations, on May 12, 2004. The Executive Directive requires each executive branch department and agency to establish guidelines to accommodate requests for meaningful and timely consultation with Indian Tribes prior to the enactment of legislation, promulgation of regulations, or adoption of policies that have tribal implications.

Plan Purpose

Therefore, the purpose of this plan is to set forth requirements for tribal consultation, as represented by the Michigan Family Independence Agency. Furthermore, this plan reaffirms the Michigan Family Independence Agency’s recognition of the State’s obligation to meet the responsibilities that arise from the unique government-to-government relationship with federally acknowledged Indian Tribes. The plan will

assure that laws and regulations are applied in a manner that does not diverge from federal laws and regulations designed to protect and assist tribal governments and tribal members.

Requirements

1. Tribal/State Partnership
2. Individual Tribal Consultation
 - Memorandum of Agreement/Memorandum of Understanding/Agreements
 - Program Development
 - Resource Development
3. Policy/Administrative Rules
4. Legislation

Tribal/State Partnership

A collective group of representatives from Michigan's twelve federally recognized Indian Tribes, state historic Indian Tribes, Indian organizations, and the MFIA, which meets on a quarterly basis. The purpose and focus of the Tribal/State Partnership is Indian child welfare as reflected in the Partnership's mission statement:

The Indian Child and Family Team, a partnership of Tribal Communities, organizations and the Family Independence Agency (FIA), in the spirit of mutual support and respect, actively supports the state's compliance with ICWA as well as actively promoting the rights of Indian Families to appropriate services and supports. The team is committed to advocating for and enhancing the well-being and preservation of Native American Families.

Outcomes

1. Children will be safe from abuse and/or neglect.
2. Children will maintain appropriate family, community, and cultural ties while in the care of the Agency.
3. Children will be maintained in a safe and stable living arrangement.
4. Children, families, and Tribes will be satisfied with services provided by the Agency or purchased care providers.
5. Families served by family preservation programs will increase their self-sufficiency.
6. Children in out-of-home care will be reunited with their families in a timely manner.

Individual Tribal Consultation

The Agency will conduct on-site visits with each of Michigan's twelve federally recognized Tribes on an annual basis and within thirty (30) days if requested in addition to the annual on-site visit. All on-site visits will include the Agency's Native American Affairs program office and representatives from the local county offices within each Tribes respective service delivery area and/or Zone Office. The consultation process will include issues related to child welfare, juvenile justice, adult services, and all of the

Agency's financial assistance programs. Agreements will be explored (i.e., Title IV-E agreements, serviceable population count agreements for Low Income Heating Energy Assistance Program and Community Services Block Grant funds, Memorandums of Understanding for children's/adult services, etc.). The expansion of existing and new local county program initiatives will be explored (i.e., Family to Family, Families First, Family Group Decision Making, Wrap-Around, other family reunification programs, etc.).

Outcome

Resources will be developed and/or strengthened for tribal children, families, and adults that will facilitate an improved quality of life.

Policy/Administrative Rules

The Agency will transmit proposed policy changes by adding Tribes to the review process for all Agency policies (i.e., Final Agency Review process for Agency policy) and Administrative Rules. Review of Agency policy or Administrative Rules shall occur when there is an **expressed reference to** Indians, Indian Tribes, bands or groups, or Indian organizations, or a **direct effect on** their collective or individual rights and/or benefits secured under Michigan or federal law by virtue of their status as Indians.

Outcomes

1. Disagreement between State rules/regulations and federal rules/regulations designed to protect and assist tribal governments and tribal members will be reduced.
2. Tribes will be informed of all rule/regulation changes, as previously described, at the State level.

Legislation

The Agency will transmit proposed state legislative changes to Tribes. Review of proposed state legislative changes shall occur when there is an **expressed reference to** Indians, Indian Tribes, bands or groups, or Indian organizations, or a **direct effect on** their collective or individual rights and/or benefits secured under Michigan or federal law by virtue of their status as Indians.

Outcome

Disagreement between State laws and federal laws designed to protect and assist tribal governments and tribal members will be reduced.